

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 47.1 and 53.46, the Secretary of State hereby amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

This rule making establishes a process for the electronic transmission of absentee ballot materials to and from voters who are eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These citizens are also covered under Iowa Code chapter 53, division II, "Absent Voting by Armed Forces." This process for electronic transmission includes both E-mail and facsimile transmissions of ballots from the county commissioner of elections to voters and allows those voters to send their requests for absentee ballots by E-mail or facsimile.

In addition, current subrule 21.1(14), which requires an emergency declaration from the Federal Voting Assistance Program (FVAP) to trigger the use of electronic transmission for sending absentee ballots, is amended to permit the return of absentee ballots via electronic means only for UOCAVA voters who are in an area designated by the U.S. Department of Defense to be an imminent danger pay zone. The amendment to subrule 21.1(14) eliminates the requirement for an emergency declaration from FVAP and provides easier voting access to all UOCAVA voters who are in hazardous parts of the world.

Iowa Code section 53.46(4) authorizes and empowers the state commissioner "[t]o arrange for special transportation of ballots in co-operation with the government of the United States through any authorized instrumentality thereof and to that end the state commissioner is empowered to direct the commissioners of the several counties of the state to send ballots to voters in the armed forces of the United States other than in the usual course of mail." The state commissioner is also authorized to "co-operate with any authorized departments, agencies and instrumentalities of the government of the United States in effecting the intent and purposes of this division." The Federal Voting Assistance Program is an authorized agency of the Department of Defense whose mission is to help U.S. citizens who are in military service or who are overseas participate in elections. The Uniformed and Overseas Citizens Absentee Voting Act established FVAP.

FVAP provides a secure Web site and other services for the safe electronic transmission of absentee voting materials, including both applications and the ballots themselves. Pursuant to the authority of Iowa Code section 53.46, the Secretary of State adopts these amendments in order for Iowans to fully participate in both new and existing services provided by FVAP.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin on June 4, 2008, as **ARC 6834B**. No public comments were received, and the adopted amendments are identical to the published Notice.

These amendments will become effective on September 17, 2008.

These amendments are intended to implement Iowa Code section 53.46 and Iowa Code Supplement section 53.40.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [21.1(14), 21.320] is being omitted. These amendments are identical to those published under Notice as **ARC 6834B**, IAB 6/4/08.

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[For replacement pages for IAC, see IAC Supplement 8/13/08.]